

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	INTERSTATE AGREEMENT ON
)	DETAINERS ORDER
vs.)	
)	Case No. 1:05-cr-095
Martin Perusquia,)	
)	
Defendant.)	

On July 11, 2006, the defendant appeared for his initial appearance and arraignment. Appearing on behalf of the United States was Assistant United States Attorney Scott Schneider. Appearing for the defendant was his court-appointed counsel, Federal Public Defender.

Prior to his initial appearance, defendant was incarcerated by the State of North Dakota at the James River Correctional Center in Jamestown, North Dakota. After the indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), the defendant’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, the defendant’s rights under the IADA to continued federal custody until the charges set forth in the indictment are adjudicated were explained to him. Defendant knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and stipulated to his continued housing by the State of North Dakota (the “sending state” under the IADA) at the North Dakota State Penitentiary pending trial of the charges on the indictment by the United States (the “receiving state” under the IADA). The United States concurred in this

stipulation. Defendant also knowingly, voluntarily, and upon advice of counsel waived any speedy trial limitations that might apply to this case including those under the IADA.

Based on the foregoing stipulation of the defendant and the United States and defendant's waiver of the anti-shuttling provisions of the IADA, **IT IS HEREBY ORDERED** that defendant be housed in the "sending state" under the IADA, at the James River Correctional Center in Jamestown, North Dakota, pending trial of this matter or until further order of the court. Further, pursuant to defendant's waiver and stipulation, the return of defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the indictment.

Dated this 11th day of July, 2006.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge